

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: David A. Robinson

Debtor

: Case No. 21-10275-JCM

:

David A. Robinson

: Chapter 13

Movant

:

:

Vs.

:

:

Corry Federal Credit Union,

:

and Ronda J. Winnecour,

:

Chapter 13 Trustee

:

Respondents.

:

STIPULATED ORDER MODIFYING PLAN

WHEREAS, this matter is being presented to the Court regarding

[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]:

- ☐ a motion to dismiss case or certificate of default requesting dismissal
- ☒ a plan modification sought by: David A. Robinson, Debtor
- ☐ a motion to lift stay
as to creditor _____
- ☐ Other: _____

WHEREAS, the parties having agreed to settle the matter above conditioned on the terms herein, based on the records of the Court, and the Court being otherwise sufficiently advised in the premises; and there being no adverse impact upon other parties by way of this action, thus no notice is required to be given; now therefore

IT IS HEREBY ORDERED that the

[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]

- ☒ Chapter 13 Plan dated May 17, 2021
- ☐ Amended Chapter 13 Plan dated _____

is modified as follows:

[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]

- ☐ Debtor(s) Plan payments shall be changed from \$ _____ to \$ _____ per _____, effective _____; and/or the Plan term shall be changed from _____ months to _____ months.
- ☐ In the event that Debtor(s) fail(s) to make any future Chapter 13 Plan payments, the Trustee or a party in interest may file with the Court and serve upon Debtor(s) and Debtor(s)' Counsel a notice of default advising the Debtor(s) that they have 30 days from the service of the notice in which to cure any and all defaults in payments. If Debtor(s) fail(s) to cure the defaults in payments after having been provided notice under the provision of this Stipulated Order, then the Trustee or a party in interest may submit an Order of Dismissal to the Bankruptcy Court along with an affidavit attesting to a failure to make Plan payments, and the proceedings or case may thereafter be dismissed without prejudice and without further hearing or notice.
- ☐ Debtor(s) shall file and serve _____ on or before _____.
- ☐ If any of the foregoing is not completed by the date specified, the case may be dismissed without prejudice without further notice or hearing upon the filing by the Trustee of an Affidavit of Non-Compliance.
- ☐ If any of the foregoing is not completed by the date specified, the automatic stay as to the property described as _____ may be lifted without further notice or hearing upon the filing by the Creditor herein of an Affidavit of Non-Compliance.
- ☒ Other: No further distributions shall be made by the Trustee on Claim #3, filed by Corry Federal Credit Union, the balance owing on that claim having been fully paid by Liberty Mutual Insurance Company upon total loss claim having been approved following demolition of the 2013 Toyota Prius which secured the claim. The funds which would otherwise have been paid on Claim #3 shall instead be available for payment of non-priority unsecured claims in this case.

IT IS FURTHER ORDERED that to the extent any creditor opposes the relief contained herein, such creditor must file an objection to the same within fourteen (14) days hereof. Should such an objection be timely filed, the Court shall conduct a *de novo* hearing regarding the appropriateness of this Stipulated Order. Should no objection be timely filed, this Stipulated Order shall be deemed final without further notice and/or opportunity for a hearing.

IT IS FURTHER ORDERED that in all other respects, the Plan and Order Confirming Plan shall remain in full force and effect. The filing party represents to the Court that all affected parties have been

notified.

[Remainder of Page Intentionally Left Blank]

SO ORDERED, this ____ day of _____, 202__

Dated: _____

John C. Melaragno, Judge
United States Bankruptcy Court

Stipulated by:

/s/ Rebeka A. Seelinger, Esquire
Counsel to Debtor

Stipulated by:

James C. Warmbrodt, Esquire
Counsel to Chapter 13 Trustee

Stipulated by:

/s/ Michael S. Jan Janin, Esquire
Counsel to affected creditor

cc: All Parties in Interest to be served by Clerk